



In the Matter of the Appeals of)
)
TERRENCE L. SAXTON)

For Respondent: Brian W. Toman
Counsel

These appeals are made pursuant to section 18593 of the Revenue and Taxation Code from the actions of the Franchise Tax Board on the protests of Terrence L. Saxton against proposed assessments of additional personal income tax and penalties in the total amounts of \$1,026.53, \$2,631.41, \$4,710.36, and \$3,942.37 for the years 1976, 1977, 1978, and 1979, respectively.

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The issue presented is whether appellant has shown any error in respondent's proposed assessments of additional tax and penalties.

Respondent obtained information from the Employment Development Department (EDD) that appellant had received income during the years 1976, 1977, 1978, and 1979. Respondent advised appellant that it had no record of his returns being filed for those years and demanded that he file. For the years involved, appellant either did not file or filed a form which disclosed no information regarding his income, deductions, or credits.

Respondent issued proposed assessments based on the information from EDD, including penalties for failure to file a return (Rev. & Tax. Code, § 18681), failure to file after notice and demand (Rev. & Tax. Code, § 18683), negligence (Rev. & Tax. Code, § 18684), and failure to pay estimated tax (Rev. & Tax. Code, § 18685.05). Appellant protested, the assessments were affirmed, and these appeals followed.

During the appeal years, appellant was an electrical engineer employed by Honeywell, Inc. He contends, however, that his income was not taxable because he was acting as an agent of the religious order of which he was a member, that he had taken a vow of poverty, and that he turned his income over to his order as soon as he received it.

Respondent's determinations, both as to the tax and the penalties imposed, are presumed correct, and the burden is on the appellant to show that they are incorrect. (Appeal of Thomas J. Arnold, Cal. St. Bd. of Equal., March 30, 1981.) The contentions of appellant are substantially the same as those which we rejected in the Appeal of Jack V. and Allene J. Offord, decided June 23, 1981. We find that our decision in the Offord appeal is controlling in the present one since appellant has shown nothing in the facts or the law which distinguish the two.

Respondent's actions, therefore, are sustained.

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O R D E R

Pursuant to the views expressed in the opinion of the board on file in this proceeding, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, pursuant to section 18595 of the Revenue and Taxation Code, that the actions of the Franchise Tax Board on the protests of Terrence L. Saxton against proposed assessments of additional personal income tax and penalties in the total amounts of \$1,026.53, \$2,631.41, \$4,710.36, and \$3,942.37 for the years 1976, 1977, 1978, and 1979, respectively, be and the same are hereby sustained.

Done at Sacramento, California, this 3rd day of March, 1982, by the State Board of Equalization, with Board Members Mr. Bennett, Mr. Reilly, Mr. Dronenburg, Mr. Nevins and Mr. Cory present.

<u>William M. Bennett</u>	, Chairman
<u>George H. Reilly</u>	, Member
<u>Ernest J. Dronenburg, Jr.</u>	, Member
<u>Richard Nevins</u>	, Member
<u>Kenneth Cory</u>	, Member